



UNITED STATES PATENT AND TRADEMARK OFFICE

6
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,035	09/15/2003	Martin Richard Layley	678-1257 (P11364)	2569
7590	03/14/2005		EXAMINER	
Paul J. Farrell DILWORTH & BARRESE, LLP 333 Earle Ovington Blvd. Uniondale, NY 11553				TRAN, TUAN A
		ART UNIT	PAPER NUMBER	2682

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/663,035	LAYLEY ET AL.
	Examiner Tuan A Tran	Art Unit 2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 September 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/08/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by Yahiro (2002/0037745).

Regarding claims 1-2, Yahiro discloses a wireless communication device 10, 20 comprising: a search means; and a detection means, wherein the search means searches for a peripheral device 30 when the detection means detects that the peripheral device 30 is likely to be utilized by the wireless communication device 10, 20 and the detection means detects a predetermined condition indicating the likelihood of a request to utilize the peripheral device 30 by a user of the wireless communication device 10, 20 before the user makes the request (See figs. 1, 4 and page 5 [0087], page 3 [0054-0057]).

Claims 6-7 are rejected for the same reasons as set forth in claims 1-2, as method.

Claims 22-23 are rejected for the same reasons as set forth in claims 1-2, as apparatus.

Regarding claim 3, Yahiro discloses as cited in claim 2. Yahiro further discloses a user interface, wherein the user interface provides an option to utilize the peripheral device 30, only if a peripheral device 30 is found (See fig. 14 and page 5 [0082-0085]).

Claim 8 is rejected for the same reasons as set forth in claim 3, as method.

Claim 24 is rejected for the same reasons as set forth in claim 3, as apparatus.

Regarding claim 4, Yahiro discloses as cited in claim 3, Yahiro further discloses the peripheral device is not utilized merely because the detection means detects the predetermined condition (See fig. 4 and page 3 [0055-0056]).

Claim 9 is rejected for the same reasons as set forth in claim 4, as method.

Claim 25 is rejected for the same reasons as set forth in claim 4, as apparatus.

Regarding claim 5, Yahiro discloses as cited in claim 4. Yahiro further discloses a locating means; and a route determination means, wherein the locating means locates a local wireless network and subsequently locates a peripheral device 30, and the route determination means determines a route through the network from the wireless communication device 10, 20 to the peripheral device 30 (See figs. 1, 4, 10 and page 3 [0059-0060], page 5 [0079-0082]).

Claim 10 is rejected for the same reasons as set forth in claim 5, as method.

Claim 26 is rejected for the same reasons as set forth in claim 5, as apparatus.

Regarding claims 11 and 13, Yahiro discloses as cited in claim 5. Yahiro further discloses the wireless communication device 10, 20 and the peripheral device 30 uses radio frequency communication wherein the radio frequency communication uses Bluetooth technology (See page 2 [0033]).

Claim 12 is rejected for the same reasons as set forth in claim 11, as method.

Regarding claim 14, Yahiro discloses as cited in claim 11. Yahiro further discloses the communication between the peripheral device 30 and the wireless communication device 10, 20 is on a second network and a first network is used for the wireless communication device 10, 20 to communicate with other wireless communication device (See page 2 [0033, 0038]).

Claim 15 is rejected for the same reasons as set forth in claim 14, as method.

Regarding claim 16, Yahiro discloses as cited in claim 11. Yahiro further discloses the wireless communication device is a mobile phone (See page 2 [0031]).

Claim 17 is rejected for the same reasons as set forth in claim 16, as method.

Regarding claim 18, Yahiro discloses as cited in claim 16. Yahiro further discloses the detection that a peripheral device 30 is likely to be utilized occurs when a data file's size exceeds a preset limit on the wireless communication device 10, 20 (See page 3 [0055]).

Claim 19 is rejected for the same reasons as set forth in claim 18, as method.

Regarding claim 20, Yahiro discloses as cited in claim 5. Yahiro further discloses the peripheral device is a data backup device (See page 2 [0031]).

Claim 21 is rejected for the same reasons as set forth in claim 20, as method.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dervarics (WO 01/50713); Bodenmann et al. (5,881,366); Law et al. (6,792,247); Mayuzumi (JP 2002202836).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan Tran** whose telephone number is **(703) 605-4255**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached at **(703) 308-6739**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

WTW

Tuan Tran

AU 2682



LEE NGUYEN
PRIMARY EXAMINER